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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,878	08/18/2003	Jagdeep Singh Sahota	P-15100US (930676.00150)	3312
65357	7590	06/10/2009		
Quarles & Brady LLP TWO NORTH CENTRAL AVENUE One Renaissance Square PHOENIX, AZ 85004-2391			EXAMINER SHUMATE, PAUL W	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 06/10/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/642,878

**Applicant(s)**

SAHOTA ET AL.

**Examiner**

PAUL SHUMATE

**Art Unit**

3693

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-21 and 50-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-21 and 50-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 24 March 2009.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the communication filed on 3/24/2009.
2. Claims 1-13 and 22-49 have been cancelled without prejudice or disclaimer by Applicant.
3. Claims 14-21 have been amended by Applicant.
4. New claims 50-65 have been added by Applicant.
5. Claims 14-21 and 50-65 have been examined and currently stand rejected.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 14-21 and 50-65 rejected under 35 U.S.C. 103(a) as being unpatentable over Li, US PGPub No.: 2002/0153424, in view of McGregor et al., US PGPub No.: 2002/0180584.
8. As per claims 14-21 and 50-65, Li teaches a system and method for generating a verification value in response to a transaction involving a mobile electronic device, wherein the verification value is generated using unique transaction data for the transaction (see at least paragraph(s) 0007, 0009, 0024) and sending the verification value for delivery to a service provider with data in a magnetic stripe data format so that the service provider can verify the verification value (see at least paragraph(s) 0009, 0024).

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9. Li further teaches that the unique transaction data includes the time of day for the transaction, wherein the time of day for the transaction corresponds to a timestamp for the transaction, and the verification value is also generated using at least one static data element such as an expiration date, a service code, an account number, or a combination thereof (see at least paragraph(s) 0009, 0024). The date and time information used is the "prompt transaction time" and the "instant date and time at which the transaction is being processed," which is substantially equivalent to a timestamp for when the transaction takes place. Li further teaches carrying out transactions and transaction verification/authentication wirelessly and using mobile electronic payment devices such as integrated circuit cards, smartcards, cellular/wireless telephones, personal digital assistants and computers (see at least paragraph(s) 0002, 0010, 0011, 0020, 0025)

10. However, Li does not specifically teach that the unique transaction data for the transaction includes the transaction amount/price for the transaction. Li also fails to specifically teach that wireless communication transmissions used to transfer transaction and verification information can specifically be laser, radio frequency, infrared, Bluetooth, or WLAN transmission.

11. McGregor, however, teaches a system and method for increasing transaction security which the uses a payment device such as a personal data or memory card, a smart card, a telephone, or a computer to transmit an encrypted authentication message/value based on information including an account/card number, a transaction counting mechanism number, and transaction data (price, etc) to a point of sale device and to an 3rd party authenticator using a magnetic strip, the internet, or an infrared (IR) or wireless transmitter to authenticate and execute a transaction (see at least Figure 3 and paragraph(s) 0012, 0013, 0014, 0044, 0053, 0069, 0075). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to specifically include the transaction price in other transaction specific data and to include specific wireless technologies such as infrared and Bluetooth transmitters into the payment device and transaction verification system and method of Li because such limitations are old and well known in the art and utilizing wireless communication technologies such as infrared and/or Bluetooth which are commonly built-in to many payment transaction capable devices such as smartcards, cell phones, and PDA's would reduce the time required to authenticate and execute payment transactions making for faster and more efficient transactions.

#### **Response to Arguments**

12. Applicant's remarks filed on 3/24/2009 have been considered but they are not persuasive.
13. Applicant's generally argues claims 14-21 and 50-65 are neither anticipated by nor obvious over any reference on record. The examiner respectfully disagrees and asserts that Li and McGregor teach the limitations of the claims as shown above. Further, Applicant merely provided a discussion of the invention, as similarly found in the specification, but does not specifically indicate any way in which the prior office action failed to establish the argued elements.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Shumate whose telephone number is 571-270-1830. The examiner can normally be reached on M-F 8:30 AM - 6:00 PM, EST alt Fridays off.

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15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

Name: Paul W. Shumate  
Title: Patent Examiner  
Date: 06/08/2009  
Signature: /Paul Shumate/  
Examiner, Art Unit 3693